

PATENT  
Attorney Docket No. 10260.0008-01000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of: )  
HARALD BREIVIK et al. ) Group Art Unit: not available  
Appl. No.: 08/471,200 ) Examiner: not available  
Filed: June 6, 1995 )  
For: FATTY ACID COMPOSITION )  
U.S. Patent No.: 5,656,667 )  
Issued: August 12, 1997 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Petitioner, Pronova Biopharma Norge AS, duly organized under the laws of Norway, having its principal place of business at Vollerveien 6, 1366 Lysaker, Baerum, Norway 0219, and duly represented by the undersigned, represents that it is the assignee of the entire right, title, and interest in and to the above-identified U.S. Patent No. 5,656,667, as indicated by the Assignment from the inventors to Norsk Hydro a.s. duly recorded in the United States Patent and Trademark Office at Reel 005111, Frame 0097 on August 4, 1989, in grandparent Appl. No. 07/389,902; the Assignment from Norsk Hyrdo a.s. to Pronova Biocare AS duly recorded in the United States Patent and Trademark Office at Reel 015670, Frame 0209 on August 11, 2004; and the Change of

Name from Pronova Biocare AS to Pronova Biopharma Norge AS duly recorded in the United States Patent and Trademark Office at Reel 019795, Frame 0594 on September 10, 2007. Petitioner, Pronova Biopharma Norge AS, further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent No. 5,502,077, as indicated by the Assignment from the inventors to Norsk Hydro a.s. duly recorded in the United States Patent and Trademark Office at Reel 005111, Frame 0097 on August 4, 1989, in parent Appl. No. 07/389,902; the Assignment from Norsk Hydro a.s. to Pronova Biocare AS duly recorded in the United States Patent and Trademark Office at Reel 015674, Frame 0334 on August 12, 2004; and the Change of Name from Pronova Biocare AS to Pronova Biopharma Norge AS duly recorded in the United States Patent and Trademark Office at Reel 019795, Frame 0594 on September 10, 2007.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term under 35 U.S.C. § 154 of U.S. Patent No. 5,656,667 (hereinafter "said patent") which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,502,077, as presently shortened by any terminal disclaimer. Petitioner hereby agrees that said patent shall be enforceable only for and during such period that said patent and U.S. Patent No. 5,502,077 are commonly owned. This agreement runs with said patent and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the patent term extension under 35 U.S.C. § 156 of said patent. Petitioner also does not disclaim any terminal part of said patent prior to the expiration date of the full statutory term of U.S. Patent No. 5,502,077, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 5,502,077 later expires for failure to pay a maintenance fee, is held

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 06-0916.

The undersigned is authorized to act on behalf of assignee Pronova Biopharma Norge AS.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By:

Signature

Name: Per-Oluf Olsen  
Title: CEO  
Assignee: Pronova Biopharma Norge AS

Dated: 5/11/2001